

ARTICLE 3: To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

NOTE: This is the Warrant Article language for Special Town Meeting to authorize the Board of Selectmen to file the special legislation below which will create the Town Manager position in Wellesley. The Warrant Article allows the Board of Selectmen limited discretion to approve amendments, if any, to the special legislation made prior to enactment by the state legislature. After enactment by the state legislature, the legislation will not be effective unless approved in a town-wide vote.

An Act Providing for a Selectmen – Town Manager Form of Government in the Town of Wellesley

NOTE: This is the title of the special legislation, also known as a special act, which will be filed with the state legislature if Town Meeting approves it. Before submission for approval by Town Meeting, the Board of Selectmen will provide the draft to Rep. Alice Peisch for review by State House counsel. There are other special acts relating only to Wellesley that will remain in effect after passage of this special act. For example, the special act creating the representative town meeting legislative branch of Town government will remain in effect, while this special act re-makes the executive branch of Town government. Note, further, these special act provisions may be fleshed out by Town bylaws, as long as the bylaws are not inconsistent with the special act.

Section 1. Board of Selectmen

(A) The board of selectmen of the town of Wellesley shall consist of five registered voters of the town elected for a term of three years each, the terms of no more than two of which shall expire in any year.

Note: This section is based on our current bylaws which require that the five members of the Board of Selectmen need to be “registered voters,” and their terms will be staggered.

(B) The executive powers of the town shall be vested in the board of selectmen, who shall have all of the powers and duties granted to boards of selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by special law, by town bylaw, or by town meeting vote, except for those powers expressly granted thereby to the town manager.

NOTE: This section is based on our current bylaws, the change being the last clause which recognizes that some executive powers will be vested in a town manager.

(C) The town of Wellesley may, by bylaw, authorize the board of selectmen to appoint, by vote of a majority of its members, a town manager with the powers set forth in Section 3 of this act or an acting town manager with such powers as the board of selectmen may

deem necessary or appropriate. The board shall appoint a town counsel, special police in accordance with Chapter 330 of the Acts of 1946 as amended and any other appointed board or committee member or official for whom no other method of selection has been provided pursuant to this act or by town bylaw.

NOTE: This section authorizes the Board of Selectmen to appoint a Town Manager by majority vote, and an "acting town manager with such powers" as the Board of Selectmen may grant when there is a temporary vacancy in the permanent Town Manager position.

The Board of Selectmen will appoint town counsel and will be the default appointment authority for those for whom no other appointment provision is made.

(D) Notwithstanding the provisions of any general law to the contrary, the board of selectmen or its designee shall be the local licensing authority of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses. The board of selectmen shall be the local licensing authority for the issuance of all licenses pursuant to Chapter 138 of the General Laws; provided, however, that the board of selectmen or its designee may issue temporary licenses in accordance with Chapter 138, Section 14 of the General Laws.

NOTE: The Board of Selectmen will continue to be the licensing authority for the Town. However, the Board is authorized to delegate some of its licensing authority to "its designee," which could be the Town Manager, among others. However, it may not delegate licensing authority for alcohol licenses, except for the so-called "one day licenses" issued in accordance with Chapter 138 Section 14 of the General Laws. The Board of Selectmen licenses many matters: common victuallers (restaurants), take-out food places, mobile food trucks, "hawkers and peddlars," printed matter vending machines, entertainment licenses, licenses for taxis and other livery vehicles, etc.

Section 2. Town Manager

(A) The town manager of the town of Wellesley shall be appointed solely on the basis of executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. No person holding elective public office in the town with the exception of a town meeting member shall, within twelve months of holding the office, be eligible for appointment as town manager. The town may, by bylaw, establish such additional qualifications as it may deem necessary and appropriate; provided, however, that the board of selectmen may establish such further additional qualifications as it may deem necessary and appropriate.

NOTE: This provision sets forth some general qualifications for the Town Manager, while allowing the Town by bylaw to require more detailed qualifications, and the Board of Selectmen to establish even further qualifications. Any person holding elective office in Town, other than that of Town Meeting Member, is not eligible to be appointed to be Town Manager for twelve months after holding such elective office. This prohibition is intended to help keep politics out of the Town Manager appointment process to some degree.

(B) The terms of the town manager's employment may be the subject of a written contract entered into pursuant to Chapter 41, Section 108N of the General Laws. The town manager's compensation shall not exceed the amount annually appropriated for that purpose.

NOTE: The state law cited provides that a board of selectmen may enter into an employment contract with the town manager, executive secretary, or person in an equivalent position, including salary and benefits. The second sentence provides for a check on the Board's power to set compensation in the contract by requiring an appropriation by Town Meeting for the compensation set.

(C) The town manager may be appointed or re-appointed for successive terms of office, no term of which shall be for more than five years.

NOTE: This provision allows for the Board of Selectmen to re-appoint a Town Manager indefinitely if it so chooses. However, it limits the length of any single term so that the Board is required to re-visit this important appointment periodically.

Section 3. Powers and Duties of Town Manager

NOTE: The following provisions are drawn from other town special acts and charters. Many of these powers are given to the Executive Director of General Government Services in our Town through existing bylaws.

(A) Upon appointment, the town manager shall be the chief administrative officer of the town, shall be vested with the powers and duties set forth in Section 3(B), and shall be responsible to the board of selectmen for the proper administration of all town affairs placed in the town manager's charge by or in accordance with this act.

(B) The town manager's powers and duties shall include:

(1) Notwithstanding the provisions of Chapter 41, Sections 69E and 97A, the town manager may fix the compensation of all town officers and employees appointed by the town manager within the limits established by applicable appropriations and any compensation plan in effect at such time.

NOTE: It is intended that the Town Manager's power to fix compensation for employees will be subject to the Human Resources Board's current authority set forth in the Town bylaws to approve any salary above the mid-point of the salary range for the position at issue. Also, employee compensation will be ultimately limited by Town Meeting appropriation.

(2) Notwithstanding the provisions of Chapter 48, section 42 or 42A, if accepted at any time by the town, or any other general or special law to the contrary, the town manager may appoint and remove a police chief, a fire chief or chief fire engineer, a town clerk and all department heads, officers, subordinates and employees of the town, except for employees of the school committee, the municipal light board, appointments made by the commonwealth and those appointments for which another method of appointment is provided for in this act. Appointments of the police chief and fire chief or chief fire engineer shall not take effect unless approved by the board of selectmen. Any appointment of other department heads or chief staff employees of elected and appointed boards and committees shall take effect no sooner than (1) it is approved by such board or committee; or (2) 15 calendar days after notice of the appointment has been provided to such board or committee without any action thereon; whichever occurs first. The town manager shall provide notice

to the affected board or committee before such removal if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee.

NOTE: This section empowers the Town Manager to appoint many officials over whom the Executive Director of General Government Services does not have appointment authority, including the police chief and the fire chief or chief fire engineer. The town clerk, currently elected, will become appointed by the Town Manager, and will continue to perform the same duties. The Town Manager will become the appointing authority for all non-school department heads, subject however to the approval within 15 days of the elected or appointed board for whom the department head provides staff support. The Town Manager will have sole discretion to remove department heads and other appointed non-school employees.

(3) The town manager shall manage and supervise all town departments except for the school department and the municipal light department.

NOTE: This provision allows for an integrated town-wide administrative structure led by the Town Manager, while preserving the autonomy of the school department.

(4) The town manager may, except as otherwise prohibited by law, re-organize, consolidate, abolish or create town departments in whole or in part, and transfer the duties, powers and appropriations incidental to the reorganization of one town department to another as follows:

(i) For town departments under the supervision of the board of selectmen, with the approval of the board of selectmen; and

(ii) For all other town departments, after consultation with the affected board, and with the approval of the affected board or Town Meeting.

NOTE: Other than departments reporting to the Board of Selectmen, the Town Manager will not have power to reorganize departments in whole or in part except after consultation with the affected board, and with the approval of either the affected board or Town Meeting.

(5) The town manager shall direct the operational and strategic planning for the town.

(6) The town manager shall provide for the execution and enforcement of the provisions of law that require enforcement by town officers and employees subject to the town manager’s direction and supervision.

(7) The town manager shall keep the board of selectmen fully informed as to the financial condition and needs of the town and to make such recommendations to the board of selectmen as the town manager may deem necessary or appropriate.

(8) The town manager shall ensure that a full and complete record of the financial and administrative activities of the Town is kept, and render a report of such activities to the board of selectmen at the end of each fiscal year and at such other times as may be required by the board of selectmen.

(9) The town manager shall negotiate collective bargaining agreements for execution by the board of selectmen.

NOTE: The Town Manager will be the Town's chief negotiator for collective bargaining for all contracts entered into by the Board of Selectmen. This provision is broad enough to allow the Town Manager to be the Town's designee for participating in and acting as a voting member on the School collective bargaining contracts.

(10) The town manager shall attend all regular and special meetings of the board of selectmen except when excused.

(11) The town manager shall attend all sessions of town meeting in order to be available to answer all questions directed to the town manager that are related to the town manager's office or to matters within the town manager's authority.

(12) The town manager shall prepare and submit a proposed town-wide annual operating budget, financial plan and the long-range capital budget program.

NOTE: This section places the responsibility on the Town Manager for preparing and submitting the Town-wide annual operating budget, long range capital budget program and financial plans (i.e., Town-wide Financial Plan). The details of the budget and financial planning process is spelled out in more detail in new bylaws.

(13) The town manager shall have the authority to approve any warrants for the payment of town funds prepared by the finance director; provided, however, that the approval of any such warrant by the town manager shall be sufficient to authorize payment by the treasurer, and provided further that the board of selectmen or its designee shall have the authority to approve such warrants in the event of a vacancy in the office of town manager or in the town manager's absence.

NOTE: This provision transfers from the Selectmen to the Town Manager the power to approve payments of funds by the Town as submitted by the Finance Director.

(14) The town manager shall serve as the Executive Officer of the town for the purposes of Chapter 258 of the General Laws.

(15) The town manager shall devote full-time to the office and except as expressly authorized by the board of selectmen, shall not engage in any other business or occupation during the term of office. Except as expressly provided in this act, the town manager shall not hold any other public elective or appointive office in the town; provided, however, that, with the approval of the board of selectmen, the town manager may serve as the town's representative to regional boards, commissions, and the like, but the town manager may not receive additional compensation for such services.

(16) The town manager shall perform any other duties required by town bylaw, town meeting vote or the board of selectmen not inconsistent with this act.

Section 4. Removal Procedures

NOTE: The following Town Manager removal provisions are based on the removal procedures found in several other special acts and charters. The removal procedure provides due process for both the Town

and the Town Manager. The Board of Selectmen will have the authority to suspend and remove the Town Manager by majority vote as set forth below.

The board of selectmen may remove the town manager from office as follows:

(A) By affirmative vote of a majority of its members, the board of selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith following its adoption.

(B) Within five days after the delivery of a preliminary resolution of removal, the town manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the board of selectmen. The hearing shall be convened by the board of selectmen not less than twenty, nor more than thirty days after such request is submitted. Not less than five days prior to such hearing, written notice thereof shall be given to the town manager at the town manager's last known address. The time limitations set forth herein may be waived in writing by the town manager. Not less than forty-eight hours prior to the time set for the commencement of the public hearing, the town manager may file a written statement with the board of selectmen responding to the reasons cited for the proposed removal. The town manager may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

(C) The board of selectmen may, by a vote of a majority of its members, adopt a final resolution of removal, which shall be effective upon its adoption or such later date as may be designated therein; provided, however, that such resolution shall not be adopted until:

- i. Ten days after the date of delivery to the town manager of the preliminary resolution of removal; or
- ii. If the town manager has made a timely request for a public hearing, five days after completion of the public hearing or forty-five days after the adoption of the preliminary resolution, whichever occurs later.

(D) Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the board of selectmen in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the board of selectmen. The town manager shall continue to receive the town manager's compensation until a final resolution of removal has become effective.

Section 5. The term of office of any Town Clerk holding office on the effective date of this section shall continue until it shall have expired and a successor Town Clerk is appointed and qualified, or until the position otherwise becomes vacant.

NOTE: Only the Town Clerk's position will go from elected to appointed under this special act. This provision specifies how the transition will occur.

Section 6. Section 3 of Chapter 555 of the Acts of 1978, as amended by Section 1 of Chapter 247 of the Acts of 1995 and Section 1 of Chapter 164 of the Acts of 2005, is hereby further amended by striking the first and second paragraphs in their entirety and inserting, in place thereof, the following –

NOTE: Existing special acts for Wellesley are being amended as follows in order to refer to a Town Manager instead of the Executive Director of General Government Services.

Notwithstanding any general or special law to the contrary, the town of Wellesley is hereby authorized to establish by town bylaw a finance department. Any such bylaw shall provide that the department shall be responsible to the town manager. The department's duties and responsibilities may include coordination and administration of town financial services and activities, including the town's financial planning; investment of town funds; maintenance of town accounting records and financial statements; payment of all town obligations after securing required approvals; assisting in the development of budgets and reviewing all budgets for format, completeness, and accuracy before submission to the advisory committee; monitoring of all expenditures of town funds; timely reporting to the town manager and to appropriate boards and officers of actual or foreseeable obligations of expenditures of funds in excess of budgeted appropriations; maintenance of payroll and other financial records relating to all town personnel; preparing and supervising town purchasing and inventory control procedures; administering the disposal of town property; and assisting the town manager in the supervision of all data processing and the development and enforcement of internal controls.

The finance department shall be under the supervision and management of the finance director, who shall be appointed by the town manager, subject to the approval of the board of selectmen, for a term of up to three years. The finance director shall be the chief financial officer of the town and shall serve as the town comptroller and town accountant. Subject to the approval of the town manager, the finance director shall appoint, for up to a three-year term, a town treasurer and collector of taxes, who shall be under the supervision and management of the finance director and shall have, except as otherwise expressly provided by this act, the powers and duties vested by law in town treasurers and collectors of taxes.

Section 7. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 4 in its entirety and inserting, in place thereof, the following -

NOTE: This provision is being amended to authorize the appointment of the Director of the Natural Resources Commission and its staff by the Town Manager, not by the NRC Board.

Section 4. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a natural resources commission consisting of five members elected for a term of three years, which shall have the powers and duties of conservation commissions and forest committees under the General Laws and the powers and duties (currently vested in the board of public works of the town) of park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, and which shall appoint a wetlands protection committee to which shall be delegated the power and authority to administer and enforce the provisions of section 40 of chapter 131 of the

General Laws, a landscape advisory committee and a long-range planning committee. The town manager shall appoint a director of natural resources and such staff as the town manager deems necessary. Any such commission shall have overall authority and responsibility with respect to: the use, acquisition, management, preservation, and protection of conservation land, park land and such other land as may be transferred to or acquired by the commission, forest and tree nursery management, insect pest and moth control, and administration of the conservation fund under sections 5(51) and 8C of chapter 40 of the General Laws. In addition, it shall study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the town which are under the jurisdiction of other boards, establish general policies to be implemented by the department of public works for the carrying out of work affecting natural resources, propose for acquisition by the town those natural resources that the commission deems useful or important to the town, and carry out such other related responsibilities as the town may assign to it or as may be permitted or required by law.

Section 8. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 9 in its entirety and inserting, in place thereof, the following -

Section 9. Notwithstanding any contrary provisions of Section 69E of Chapter 41 of the General Laws, the superintendent of public works appointed by the town manager shall have the title "Director of Public Works."

Section 9. Sections 5 through 8, inclusive, take effect, and the position of executive director of general government services, created by Section 1 of Chapter 247 of the Acts of 1995, shall be abolished upon the initial appointment of a town manager pursuant to Section 1(C) or the thirtieth day of November, two thousand sixteen, whichever is later.

Section 10. All laws, bylaws, votes, rules and regulations, whether enacted by authority of the town or any other authority, that are in force in the town of Wellesley on the effective date of this Act, or any portion or portions thereof, not inconsistent with the provisions of this Act, shall continue in full force and effect until modified in accordance with applicable law.

Section 11. Nothing in this Act shall be construed to abridge, alter, or amend the powers and duties of the municipal light board or manager of the municipal light plant as set forth in Chapter 164 of the General Laws.

Section 12. This act shall be submitted for acceptance to the qualified voters of the town of Wellesley at the next regular or special town election following its enactment in the form of the following question, which shall be placed upon the official ballot to be used at said election: -- "Shall an act passed by the General Court in the year two thousand sixteen entitled 'An Act providing for a selectmen-town manager form of government in the town of Wellesley', be adopted?"

If a majority of the votes cast in answer to the question is in the affirmative, this act shall take effect in the town, but not otherwise.

NOTE: Even if this special act is approved by Town Meeting and by the state legislature, it will not become effective unless it is also approved by a majority of the voters of the Town at a Town election.

or take any act in relation thereto.

GLOSSARY OF STATUTES REFERRED TO IN SPECIAL ACT

G.L.c.41, s.69E provides that the Board of Public Works appoints and removes the Supt. of Public Works; BPW directs and supervises the Supt.; Supt. gives a bond for the performance of his duties subject to BPW approval; the Supt. appoints DPW employees; and Supt. reports to BPW re need for annual appropriations.

G.L.c.41, s.97A provides that the Police Dept. is supervised by the Police Chief; Board of Selectmen appoints and removes Chief and officers; and the Chief make Police Dept. rules and regulations subject to BOS approval.

G.L.c.41, s. 108N provides that the BOS has authority to enter into an employment contract with the Town Manager, Executive Secretary or person with the equivalent position including salary and benefits.

G.L.c.48, s.42 provides that, if the Town accepts this statute, the BOS appoints and removes the Fire Chief; the Chief buys equipment with BOS approval; and the Chief appoints and removes the deputy chiefs and firefighters.

G.L.c.48, s.42A provides that, if the Town accepts this statute, the BOS appoints and removes the Fire Chief and such other officers and firefighters as the BOS deems necessary.

G.L.c.138 provides a comprehensive process for the local licensing authority to issue liquor licenses to package stores and restaurants.

G.L.c.138, s.14 is entitled "Special licenses to managers of indoor and outdoor activities; fees" and provides that special wine and beer sale licenses may be issued by the "local licensing authorities" to the manager of any indoor or outdoor activity; and that all alcoholic, wine or beer special sale licenses may be issued to the manager of any nonprofit organization conducting an indoor or outdoor activity. Special licenses for wine and beer dispensing to degree-granting educational institutions may be granted as long as people who are served are 21 or older.

G.L.c.164, ss.55 and 56 provide that a town may establish a municipal light board which shall have authority to construct, purchase or lease an electric plant and maintain and operate it in accordance with a vote of the town; and that the municipal light plant manager shall have full charge of the operation and management of the plant.

G.L.c.258 is the Massachusetts Tort Claims Act governing how negligence claims may be brought against municipalities. G.L.c.258, s.1 defines "executive officer of a public employer" as "the selectmen of a town or as designated by the charter of the town." G.L.c.258, s.4 requires presentment of claims against a town to be made to the executive officer who has 6 months to deny or settle claims. G.L.c.258, s.5 authorizes the executive officer to settle claims,

but any settlement over \$2,500.00 needs approval of the “public attorney.” G.L.c.258, s.6 provides that service of process is to be made on the executive officer.

Chapter 555 of the Acts of 1978, is a special act authorizing the Town of Wellesley to, among other things, establish a Natural Resources Commission and Department of Financial Services and to appoint a Superintendent of Public Works.

AMENDMENTS TO CHAPTER 555 OF THE ACTS OF 1978, AS AMENDED

Note: The Special Act (Sections 6, 7 and 8) amends the 1978 Special Act that established the department of financial services(now the "Finance Department") and the Natural Resources Commission. Words that have been deleted from the 1978 Act are shown by strike-outs and words that have been added are shown by underlining.

SECTION 3. Notwithstanding any general or special law to the contrary, the town of Wellesley is hereby authorized to establish by by-law a finance department. ~~of financial services.~~ Any such by-law shall provide that the department shall be responsible to the ~~executive director of general government services town manager who shall be appointed by the Board of Selectmen as the town's chief operating officer.~~ The department's duties and responsibilities may include, ~~but not be limited to, the following:~~ coordination and administration of town financial services and activities, including ~~without limitation~~ the town's financial planning; ~~and budgets, and~~ investment of town funds; maintenance of town accounting records and financial statements; payment of all town obligations; ~~after securing required approvals;~~ assisting in the development of budgets and reviewing of all budgets for format, completeness, and accuracy before submission to the advisory committee; monitoring of all expenditures of town funds; timely reporting to the ~~board of selectmen town manager~~ and to other appropriate boards and officers of actual or foreseeable ~~incurring of~~ obligations of expenditures of funds in excess of budgeted appropriations; maintenance of payroll and other financial records relating to all town personnel; preparing and supervising town purchasing and inventory control procedures; administering the disposal of town property; and assisting the ~~executive director~~ town manager the supervision of all data processing and the development and enforcement of internal controls.

The department shall be under the supervision and management of the finance director, who shall be appointed by the ~~executive director~~ town manager subject to the approval of the board of selectmen, for a term of up to 3 years commencing on July first. The finance director shall be the chief financial officer of the town. ~~The finance shall serve as director shall serve as~~ the town comptroller and town accountant. Subject to the approval of the town manager, the ~~The~~ finance director shall appoint for a one-year term commencing on July first, annually as of July 1, subject to the approval of the executive director, ~~a~~ town treasurer and collector of taxes, who shall be subject to the direction and under the supervision and management of the finance director and shall have, except as otherwise expressly provided by this act, the powers and duties vested by law in town treasurers and collectors of taxes.

SECTION 4. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a natural resources commission consisting of five members elected for a term of three years, which shall have the powers and duties of conservation commissions and forest committees under the General Laws and the powers and duties (currently vested in the board of public works of the town) of park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, and which shall appoint ~~a director of natural resources,~~ a wetlands protection committee to which shall be delegated the power and authority to administer and enforce the provisions of section 40 of chapter 131 of the General Laws, a landscape advisory committee, a long-range planning committee. The town manager shall appoint a director of natural resources and such staff as the town manager deems necessary. ~~and such staff as it deems necessary.~~ Any such commission shall have overall authority and responsibility with respect to: the use, acquisition, management, preservation, and protection of conservation land, park land and such other land as may be transferred to or acquired by the commission, forest and tree nursery management, insect pest and moth control, and administration of the conservation fund under sections 5(51) and 8C of chapter

40 of the General Laws. In addition, it shall study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the town which are under the jurisdiction of other boards, establish general policies to be implemented by the department of public works for carrying out of work affecting natural resources, propose for acquisition by the town those natural resources that the commission deems useful, or important to the town, and carry out such other related responsibilities as the town may assign to it or as may be permitted or required by law. ~~Members of the commission shall be elected at the annual town election to be held in nineteen hundred and seventy-nine. The terms of office shall be staggered in a manner determined by vote of the town. Initial organization of the commission and the termination of the conservation commission, the park and tree board and the town forest committee shall also be as determined by vote of the town.~~

SECTION 9. Notwithstanding any contrary provisions of section 69E of chapter 41 of the General Laws, the ~~superintending~~ superintendent officer of public works appointed by the ~~board of public works~~ town manager of the town pursuant to said section 69E shall ~~s~~ have the title: ~~“~~Director of Public Works”~~”~~.